

CANADA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Canada is a constitutional monarchy with a federal parliamentary government. In a free and fair multiparty federal election held in September 2021, the Liberal Party, led by Justin Trudeau, who was the sitting prime minister, won a plurality of seats in the federal parliament and formed a minority government, with Justin Trudeau continuing as prime minister.

Federal, provincial, municipal, and Indigenous police maintain internal security. The armed forces are responsible for external security but in exceptional cases may exercise some domestic security responsibility at the formal request of civilian provincial authorities. The federal Royal Canadian Mounted Police reports to the federal Department of Public Safety, and the armed forces report to the Department of National Defence. Only Ontario, Quebec, and Newfoundland and Labrador have provincial police forces, but the Royal Newfoundland Constabulary contracts policing in regions of the province to the Royal Canadian Mounted Police. The Royal Canadian Mounted Police and municipal forces provide coverage for other provinces and territories. Some Indigenous reserves provide Indigenous policing. Provincial and municipal police report to their respective provincial authorities. Civilian authorities maintained effective control over the security forces. There were isolated reports members of the security forces committed some abuses during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; crimes involving violence or threats of violence targeting Black, Indigenous, Asian, Jewish, and Muslim minorities; and crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government had mechanisms in place to identify, investigate, prosecute, and punish officials who may commit human rights abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were isolated reports that the government or its agents committed arbitrary or unlawful killings. Security force killings were investigated by independent investigation bodies at the provincial level, such as the Independent Investigations Office of British Columbia, Office of the Independent Police Review Director in Ontario, and Alberta Serious Incident Response Team. Some family members of individuals killed by police said police may have committed unlawful killings during mental wellness checks or when responding to calls for police assistance. For example, on February 19, Calgary police shot and killed Sudanese immigrant Latjor Tuel after he advanced on police with a knife while he was in mental distress. Tuel was a former child soldier from Sudan who had complex mental health disabilities, including suspected post-traumatic stress disorder. His family and friends said that police responded inappropriately and racially profiled Tuel, who was Black. Tuel's death remained under investigation by the Alberta Serious Incident Response Team.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The law prohibits such practices, and there were no reports that government officials employed them. The Supreme Court ruled in 2019 that solitary confinement for longer than 15 days constitutes cruel and unusual punishment, and the government passed legislation the same year prohibiting it.

In July Brian Wilson, a former Correctional Services Canada (CSC) prison guard at the federal Nova Institution for Women in Truro, Nova Scotia, was sentenced to three years in federal custody for sexually assaulting three women who were inmates in the facility. Wilson offered cigarettes to one woman in exchange for

her performing sex acts. Another victim was groped by Wilson, and a third victim was groped and sexually assaulted by him on at least two separate occasions. The judge determined that there was no legal consent because of Wilson's position of power. Wilson was ordered to register as a sex offender for life and provide authorities a DNA sample. He was banned from owning a firearm for 10 years after his release, prohibited from contacting the survivors while in prison, and ordered to pay a "victim surcharge" of 1,200 Canadian dollars (CAD) (\$879) within five years of his release from prison.

Prison and Detention Center Conditions

There were some reports of sexual assault and harassment of female inmates by male prison staff. Some prison and detention center measures designed to control the spread of COVID-19 raised human rights concerns.

Abusive Physical Conditions: There were reports of poor physical conditions and inmate abuse in prisons and detention centers. In August, prison union officials and inmate advocates raised concerns regarding critical staffing shortages at Newfoundland and Labrador's largest prison, Her Majesty's Penitentiary in St. John's. Inmates were frequently locked in their cells for extended periods of time due to a critical shortage of guards to supervise them. The prison, built in 1859, was deteriorating and had poor ventilation. In July, a judge in Newfoundland and Labrador reduced an inmate's sentence by 180 days due to the "harsh conditions" in the facility. The inmate, Jonathan Slade, argued he had several mental health diagnoses and was confined for periods without recreational time, forced to use the bathroom in a prison cell without doors, and was unable to attend programming or regularly see a psychologist.

In August Public Safety Canada Minister Marco Mendicino issued directives to the CSC on the usage of "dry cells" (cells without plumbing fixtures) to keep inmates from bringing contraband into federal prisons. Prisoners suspected of concealing contraband may be kept in a dry cell for no more than two days. For any dry-cell detention periods longer than 48 hours, facility officials must seek written approval from CSC regional headquarters, and for periods longer than 72 hours, they must seek approval from CSC national headquarters. In April the federal government banned the usage of dry cells for women suspected of carrying contraband in their

vaginas after a Nova Scotia court deemed the use of dry cells for women suspected of carrying contraband was unlawful.

In January the *Journal of Prisoners on Prisons* (a prisoner-written, academically oriented, and peer-reviewed nonprofit journal) reported inmates spent approximately 23 and one-half hours per day inside their cells as part of COVID-19 mitigation procedures in CSC facilities.

Administration: Independent authorities investigated credible allegations of mistreatment and documented the results of such investigations in a publicly accessible manner.

Independent Monitoring: The government permitted visits by independent nongovernmental human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Authorities generally relied on warrants in the apprehension of persons. A judge may issue a warrant if satisfied a criminal offense might have been committed. A person arrested for a criminal offense has the right to a prompt, independent judicial determination of the legality of the detention. Authorities provided detainees with timely information on the reason for their arrest and provided prompt access to a lawyer of the detainee's choice. If the detainee was indigent, a lawyer was provided by the state. Bail was generally available. Authorities may hold persons under preventive detention for up to seven days, subject to periodic judicial review.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

In March Quebec Justice Minister Simon Jolin-Barrette launched an investigation into a criminal trial that occurred in secret and was kept off the official court docket. The existence of the trial only became known because the defendant, a police informant, appealed the conviction, and the appeals court issued a heavily redacted ruling critical of the lower court's proceedings. The Court of Appeals panel stated the initial trial took place in a manner "contrary to the fundamental principles that govern the justice system" and there was "no trace this trial existed, other than in the minds of the individuals implicated." The case had no official docket number, witnesses were questioned outside the court, and the time and place where the alleged unspecified crime occurred were kept secret, as were the names of the accused and the involved police force.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right. Trials occur before a judge alone or, in more serious cases, before a judge and jury.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters and access to domestic courts to file a suit seeking damages for, or cessation of, a human rights abuse. Federal or provincial human rights commissions may also hear cases of alleged human rights abuses. Individuals and organizations may appeal adverse domestic decisions to the Federal Court of Canada for judicial review. Individuals may also submit human rights complaints to the United Nations or the Inter-American Commission on Human Rights.

Property Seizure and Restitution

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media. Independent media were active and expressed a wide variety of views without restriction.

Libel/Slander Laws: The law criminalizes defamatory libel with a maximum penalty of five years' imprisonment if convicted, but the law was not acted on during the year.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

On February 14, Prime Minister Trudeau invoked the federal Emergencies Act to clear vehicles blocking international borders in British Columbia, Alberta, Manitoba, and Ontario, and to end a month-long street protest in Ottawa by “Freedom Convoy” protesters who alleged government overreach in the country’s

pandemic response. Protesters and some critics asserted the government's use of the act was unnecessary and did not justify overriding constitutional rights to freedom of assembly and expression. On February 23, the government revoked the use of the Emergencies Act after all border crossings were reopened and law enforcement officers restored order to downtown Ottawa.

The Public Order Emergency Commission is an independent body mandated under the act to review whether the government met the threshold for invoking the act and whether the use of emergency powers was lawful and appropriate. On October 13, the commission began public hearings; its report remained pending at year's end. A parliamentary committee conducted a separate review, and its report also remained pending.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: The government accepted refugees for resettlement from third countries and facilitated local integration (including naturalization), particularly of refugees in protracted situations. The government assisted in the voluntary return of refugees to their countries of origin.

Temporary Protection: The government provided temporary protection (in the form of temporary residence permits) to individuals who may not qualify as refugees.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

According to UNHCR, by the end of 2020 (latest available figures), there were 3,790 persons in the country who fell under the UN statelessness mandate. The law provides for access to citizenship for stateless persons who have a birth parent who was a Canadian citizen at the time of the birth, meets age and physical presence requirements, and has not been convicted of specified criminal offenses. The minister of immigration, refugees and citizenship has the discretion to grant citizenship to any person to alleviate cases of statelessness or of special and unusual hardship.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Following a free and fair federal election in September 2021, the Liberal Party won a plurality of seats in the federal parliament and secured a mandate to form a minority national government.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in

Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption during the year.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were largely cooperative and responsive to their views.

Government Human Rights Bodies: Federal and provincial human rights commissions enjoyed government cooperation, operated without government or party interference, and had adequate resources. Observers considered the commissions to be effective. Parliamentary human rights committees operated in the House of Commons and the Senate. The committees acted independently of government, conducted public hearings, and issued reports and recommendations to which the government provided written, public, and timely responses. Most federal departments and some federal agencies employed ombudspersons. Nine provinces and one territory also employed an ombudsperson.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, as sexual assault, and the government enforced the law effectively. Penalties for conviction of sexual assault carry prison sentences of up to 10 years, and up to 14 years for sexual assault with a restricted or prohibited firearm. Penalties are between four years and life in prison for aggravated sexual assault with a firearm or committed for the benefit of, at the direction of, or in association with, a criminal organization. Most victims of sexual assault were

women and girls.

The law provides protections against domestic violence for both men and women, although most victims were women and girls. Although the law does not define specific domestic violence offenses, assault, aggravated assault, intimidation, mischief, or sexual assault charges apply to acts of domestic violence. Persons convicted of assault receive up to five years in prison. Conviction of assault involving weapons, threats, or injuries carries prison terms of up to 10 years. Conviction for aggravated assault or endangerment of life carries prison sentences of up to 14 years. The government generally enforced the law effectively. Police received training in interacting with victims of sexual assault and domestic violence, and agencies provided hotlines to report abuse.

In May the Sports Network (TSN) reported Hockey Canada reached a CAD 3.5 million (\$2.5 million) settlement with a woman who filed a lawsuit alleging eight Canadian Hockey League players, including members of the World Junior Team, sexually assaulted her in London, Ontario. The following month, Sport Canada froze its federal funding of Hockey Canada and called for an investigation into whether public funds were used to pay the settlement. The prime minister stated Hockey Canada's handling of the allegations was "unacceptable" and that parents had lost faith in the management of the organization.

Parliament also opened an investigation into Hockey Canada's conduct that revealed a history of sexual misconduct cases going back to 1989 and that the organization spent CAD 7.6 million (\$5.5 million) from a "National Equity Fund," partially funded via player registration fees, to settle 21 sexual misconduct cases. Hockey Canada officials subsequently stated they would no longer use the fund for sexual misconduct settlements and would plan to address "systemic issues" in its hockey culture. In October, the chief executive officer and the entire board of directors of Hockey Canada resigned, but the board was to remain in place until the election of a new board.

Female Genital Mutilation (FGM/C): The law prohibits FGM/C of women and girls and prosecutes the offense, including parents of children, as aggravated assault, with a maximum penalty if convicted of 14 years' imprisonment. FGM/C occurred on occasion, predominantly in diaspora communities. While internal

government reports leaked to media asserted FGM/C practitioners and victims often traveled to the country of the practitioners' origin for the illegal procedure, officials also sought to prevent the admittance of FGM/C practitioners into the country. The law includes an exception for intersex girls, permitting infant genital surgery to “fix” their bodies to conform to binary notions of female bodies.

Sexual Harassment: The law offers protections from sexual harassment at the workplace but does not articulate a specific offense of “sexual harassment” outside of work. Instead, it criminalizes harassment (defined as stalking), punishable if convicted by up to 10 years' imprisonment. Conviction of sexual assault is punishable by imprisonment from 10 years for nonaggravated sexual assault to life imprisonment for aggravated sexual assault. Federal, provincial, and territorial human rights commissions have responsibility for investigating and resolving harassment complaints. Employers, companies, unions, educational facilities, professional bodies, and other institutions had internal policies against sexual harassment, and federal and provincial governments provided public education and guidance.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of the government.

Emergency contraception was available as part of family planning methods. No significant legal, social, or cultural barriers or government policies adversely affected access to contraception. Cost was cited as the most important barrier to contraception access in the country, particularly for young and low-income women and Indigenous women in northern or remote communities where menstrual products and other imported consumer goods cost significantly more than in southern and urban communities.

The government provided access to sexual and reproductive health-care services for survivors of sexual violence in hospitals and through dedicated sexual assault care centers, including emergency contraception as part of clinical management of rape.

Although the country's maternal mortality rate in 2018 was low at 8.8 per 100,000 live births, a 2016 medical study reported Indigenous women had twice the risk of

maternal mortality of the national average and a higher risk of adverse outcomes, including stillbirth, perinatal death, low-birth-weight infants, prematurity, and infant deaths.

The country's birth rate among girls and women ages 15 to 19 was 6.3 per 1,000 in 2019, the latest available figure, but varied widely by province. In Ontario, a populous province with multiple urban centers, the birth rate was 4.3 per 1,000 females between ages 15 and 19. In the rural northern territory of Nunavut, where 86 percent of the population was Indigenous, the rate was 97.3 per 1,000. The country's national statistical agency cited low income, overcrowded or inadequate housing, lack of a high school diploma, and lack of access to sexual health education and contraception as social determinants of higher birth rates among Indigenous adolescents.

Discrimination: Women have the same legal status and rights as men, including under family, religious, personal status, and nationality laws, as well as in laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The government enforced these rights effectively.

Pandemic-related job losses were disproportionately experienced by women in the hospitality and retail sectors. The gender research firm Equileap reported women represented 35 percent of the overall workforce and 22 percent of the executive-level workforce.

First Nations women living on reservations (where land is held communally) have matrimonial property rights. First Nations may choose to follow federal law or may enact their own rules related to matrimonial real property rights and interests that respect their customs.

Systemic Racial or Ethnic Violence and Discrimination

The constitution, the law, and federal and provincial human rights laws provide for equal rights, protect members of racial or ethnic minorities or groups from violence and discrimination, and provide redress. The federal Canadian Race Relations Foundation coordinated and facilitated public education and research and developed recommendations to eliminate racism and promote harmonious race

relations. The government enforced the law effectively. In June, British Columbia enacted the country's first Anti-Racism Data Act to allow government agencies to collect demographic information to identify gaps in programs and services and to help better meet the needs of Indigenous, Black, and racialized residents of the province.

There were reports of discrimination and violence against ethnic minority groups and reports of racial profiling by police. In July, the government's national statistical agency reported 3,360 hate crimes in 2021, a 27 percent increase since 2020 and a 72 percent increase since 2019. The increase was largely the result of hate incidents targeting religious groups (up 67 percent from 2020) and sexual orientation (up 64 percent from 2020). In June, British Columbia's Office of the Human Right Commissioner published its *Survey on Racial Hate Crimes*. The survey revealed 36 percent of respondents had witnessed hate crimes from March 2020 to December 2021. Of the respondents, 73 percent stated they did not report the incident and 68 percent believed it would make no difference whether they reported it or not.

In May an Asian man, age 87, was attacked with bear spray in the Chinatown neighborhood of Vancouver. Vancouver police believed the motive for the attack was racial discrimination and stated the suspect was arrested near the scene of the incident.

In April the Royal Canadian Mounted Police (RCMP) on Vancouver Island launched an investigation into multiple incidents of graffiti vandalism, including one incident involving sexism; racism; antilebian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) rhetoric; and Nazi swastikas. The RCMP stated it believed multiple persons were involved in these incidents and sought the public's assistance in finding the individuals responsible. The investigation continued at the end of November.

In March Immigration, Refugees, and Citizenship Canada (IRCC) launched an investigation into allegations of systematic racism at two of its offices and ordered an audit of its Montreal call center responsible for handling calls from Afghan refugees. A former IRCC employee in the call center accused the agency of limiting promotions for employees of color and of racist attitudes towards

immigration applicants from certain countries, particularly from Cuba and Nigeria. Additionally, an October 2021 IRCC report mentioned employees referring to a group of 30 African countries as the “Dirty 30.”

In May a report on Indigenous incarceration published by the federal Office of the Correctional Investigator revealed Indigenous women accounted for half of all federally incarcerated women, while representing only 5 percent of the population. Prime Minister Trudeau called the overrepresentation of Indigenous women in federal prisons “appalling” and stated the government would push to eliminate some mandatory sentences to help address the problem.

In June federal Auditor-General Karen Hogan issued a report detailing systemic racism by the CSC in federal prisons. The report found Black and Indigenous prisoners were more frequently placed in higher security institutions, compared to their White peers, and that they were not paroled as often when they first became eligible. The auditor-general found CSC employees assigned Indigenous offenders to unusually strict and restrictive prison conditions. The report indicated the CSC failed to develop a plan for its workforce to better reflect the diversity of the prison population. The report followed an investigation in 2020 by the *Globe and Mail* newspaper that showed the CSC’s risk assessment tools were systematically biased against Black and Indigenous persons. CSC Commissioner Anne Kelly agreed to the auditor-general’s six recommendations in the June report. Kelly also committed to reviewing the Custody Rating Scale – a tool used for deciding the prospective inmate’s security classification for the offender’s detention facility – and pledged to strengthen oversight in the CSC.

Indigenous Peoples

According to the government’s national statistical agency, Indigenous persons constituted approximately 5 percent of the national population and much higher percentages in the country’s three territories: Yukon, 22.3 percent; Northwest Territories, 49.6 percent; and Nunavut, 85.8 percent. Disputes regarding land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged police brutality and harassment were sources of tension. Indigenous persons remained underrepresented in the workforce, leadership positions, and politics. They were disproportionately affected by suicide, poverty,

chronic health conditions, sexual violence, human trafficking, and other violent crime, and overrepresented on welfare rolls and in prison populations.

The law recognizes individuals registered under the Indian Act based on Indigenous lineage and members of a recognized First Nation as Status Indians; those individuals are eligible for a range of federal services and programs. Status and services are withheld from unregistered or nonstatus Indigenous persons who do not meet eligibility criteria for official recognition.

The law recognizes and specifically protects Indigenous rights, including rights established by historical land claims settlements. Treaties with Indigenous groups form the basis of the government's policies in the eastern part of the country, but there were legal challenges to the government's interpretation and implementation of treaty rights. Indigenous groups in the western part of the country that never signed treaties continued to claim land and resources, and many Indigenous groups continued to seek legal resolution of outstanding problems. As a result, the government's policy toward Indigenous rights, particularly land claims, was affected by negotiation and legal challenges.

The law imposes statutory, contractual, and common-law obligations to consult with Indigenous groups on the development and exploitation of natural resources on land covered by treaty or subject to Indigenous land claims. According to a Supreme Court ruling, the federal government has the constitutional duty to consult and, where appropriate, accommodate Indigenous groups when the government contemplates actions that may adversely affect potential or established Indigenous rights, treaty rights, and Indigenous title.

Supreme Court decisions affirmed Indigenous title extends to territory used by Indigenous persons for hunting, fishing, and other activities prior to contact with Europeans, as well as to settlement sites. Provincial governments and the federal government may develop natural resources on land subject to Indigenous title but are obliged to obtain consent of the Indigenous titleholders in addition to existing constitutional duties to consult, and where necessary, accommodate Indigenous groups in matters that affect Indigenous rights. If governments cannot obtain consent, they may proceed with resource development only based on a "compelling and substantial objective" in the public interest, in which the public

interest is proportionate to any adverse effect on Indigenous interests. The court has established that Indigenous titles are collective in nature.

Released on June 3, the third anniversary of the government's final report in 2019 on Missing and Murdered Indigenous Women and Girls (MMIWG), British Columbia chronicled its efforts to combat MMIWG in *A Path Forward: Priorities and Early Strategies for British Columbia*. The provincial government reinforced its commitment to prevent, protect, and respond to violence against Indigenous women and girls, explaining these efforts as an important component of the province's adoption of the UN Declaration on the Rights of Indigenous Peoples. The June 3 report highlighted CAD 5.34 million (\$3.8 million) in grants to target the issues to be managed by the British Columbia Association of Aboriginal Friendship Centres.

Children

Birth Registration: Citizenship is derived both by birth within the country's territory and from one's parents. Births are registered immediately and are neither denied nor provided on a discriminatory basis.

Child Abuse: There are laws against child abuse, and the government generally enforced them effectively. On March 30, Prime Minister Trudeau announced CAD 2.9 million (\$2.1 million) in federal funding to support First Nations communities in British Columbia whose children were taken from their families and sent to St. Joseph's Mission residential school near Williams Lake. In January, the Williams Lake First Nation revealed preliminary findings that 93 sites of "potential human burials" were identified near that former residential school. In May, the government released the report *Restoring Dignity: Responding to Child Abuse in Canadian Institutions*. The report examined the history and legacy of the residential school system and provided recommendations on how to support survivors going forward.

Child, Early, and Forced Marriage: The law establishes 16 years as the legal minimum age of marriage with parental consent.

Sexual Exploitation of Children: The minimum age of consensual sex is 16. The law prohibits the commercial sexual exploitation of children, sale, grooming,

offering, or procuring children for commercial sex, and practices related to child pornography. Authorities enforced the law effectively. Children, principally teenage girls, were exploited in sex trafficking. The country was a destination for child sex tourism. Children from Indigenous communities, at-risk youth, runaway youth, LGBTQI+ children, and youth in the child welfare system were at high risk for trafficking. Persons convicted of child sex trafficking crimes faced between five and 14 years' imprisonment. Persons convicted of receiving a financial or other material benefit derived from a child sex trafficking crime faced between two and 14 years' imprisonment. Persons convicted of soliciting or obtaining the sexual services of a child younger than age 18 faced between six months' and 10 years' imprisonment.

The law prohibits accessing, producing, distributing, and possessing child pornography. Maximum penalties for conviction range from 18 months' imprisonment for summary offenses to 10 years' imprisonment for indictable offenses.

Antisemitism

Approximately 1.25 percent of the population was Jewish. The government enforced laws against discrimination effectively.

The B'nai Brith Canada League for Human Rights received a total of 2,799 reports of antisemitic incidents in 2021, the latest available data, representing a 7.2 percent increase from 2020. Of this total, there were 2,460 incidents of antisemitic harassment in 2021. B'nai Brith also reported there were 75 cases of antisemitic violence, mainly related to violence that occurred during several large anti-Israel rallies, and 264 reports of antisemitic vandalism in 2021.

In June the federal government passed legislation that criminalizes Holocaust denial.

In May a Jewish man was assaulted by two men in Montreal as he returned from an event celebrating Israel's independence. A video taken by a witness showed two men trying to wrestle a rolled-up Israeli flag away from the victim. When the two assailants let go of the flag, the video showed one of the attackers picking up a stick from the ground and striking the victim. Montreal police characterized the

assault as a hate crime. Police arrested a male, age 15, in connection with the assault. The accused was released with conditions and was scheduled to appear in court at a later date. Police had not arrested a second suspect, and the investigation continued at year's end.

In July Quebec Judge Manlio Del Negro claimed the link between Nazi ideology and the killing of Jews was not a widely accepted fact, and admonished Crown prosecutors in court for not submitting evidence or expert testimony that Nazi ideology led to the Holocaust. The rebuke occurred during the trial of a Montreal man accused of willfully promoting hatred against Jews. B'nai Brith Canada called for federal and provincial governments to provide mandatory training on the Holocaust and antisemitism to judges.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law prohibits discrimination by state and nonstate actors against LGBTQI+ persons in housing, employment, nationality laws, and access to government services, including health care. The government enforced the law.

Violence against LGBTQI+ Persons: There were reports of violence against members of the LGBTQI+ community, but the government generally implemented laws criminalizing such acts. There were approximately 423 hate crimes across the country targeting sexual orientation, which rose above the previous peak of 265 in 2019. Approximately eight in 10 (77 percent) of these crimes specifically targeted the gay and lesbian community, while the remainder targeted the bisexual orientation (2 percent) and other sexual orientations, such as asexual, pansexual, or other nonheterosexual orientations (11 percent). An additional 10 percent were incidents where the targeted sexual orientation was reported as unknown.

In March a survey by Leger Marketing and by Foundation Emergence reported 65

percent of Quebec workers who identified as LGBTQI+ reported being the victims of workplace harassment, compared to 35 percent of the non-LGBTQI+ population. Five percent of LGBTQI+ respondents reported receiving threats, unwanted advances, inappropriate physical contact, or degrading propositions in exchange for favorable treatment. Fifteen percent responded they had quit a job because their workplace was not inclusive, and 21 percent considered quitting their jobs.

Discrimination: The law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognized LGBTQI+ individuals, couples, and their families. The government enforced these laws effectively.

Availability of Legal Gender Recognition: The law permits nonbinary persons to identify their gender as “X” on official federal government documents such as passports, citizenship certificates, and permanent resident cards. On June 8, the Quebec National Assembly (a legislative body) adopted a bill allowing nonbinary persons to legally check the “X” gender box on official documents provided by the Quebec government. The law provides for persons who identify as nonbinary to identify themselves as a child’s “parent” rather than as the father or mother. The majority of provinces and territories offer “X” as a gender option for nonbinary individuals on legal provincial and territorial documents, except for Saskatchewan, Nunavut, and New Brunswick that offer only male or female as gender identifiers. Saskatchewan permits the issuance of a birth certificate with the gender marker hidden.

In most provinces and territories, a letter from a medical practitioner or health-care professional is required for a legal gender change. In Alberta, Ontario, and Manitoba, however, no supporting documentation or medical requirements are needed for a legal gender change.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: On January 7, the country banned conversion therapy. The law makes it illegal to provide, promote, or profit from conversion therapy. It defines conversion therapy as any practice, treatment, or service designed to change or repress a person’s sexual orientation, gender identity, or

gender expression. A 2021 study by the British Columbia-based nonprofit Community-Based Research Centre found 10 percent of sexual-minority men reported experiencing conversion therapy. Of that group, 72 percent reported receiving some form of conversion therapy before age 20.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no restrictions on freedom of expression, association, or peaceful assembly with respect to LGBTQI+ issues.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. Persons with disabilities could access education, employment, health services, transportation, the judicial system, and other state services on an equal basis with others. Children with disabilities attended school with peers without disabilities. Federal and provincial governments effectively implemented laws and programs mandating access to public buildings, information, and communications in accessible formats for persons with disabilities, but regulation varies by jurisdiction. The government enforced these provisions effectively. The law requires employers and service providers to “identify, remove, and prevent” accessibility barriers in areas under federal jurisdiction.

Disability rights nongovernmental organizations (NGOs) reported persons with disabilities experienced higher rates of unemployment and underemployment, lower rates of job retention, and higher rates of poverty and economic marginalization than others. Persons with disabilities were at increased risk of human trafficking. Mental-disability advocates asserted the prison system was not sufficiently equipped or staffed to provide the care necessary for persons in the criminal justice system with mental disabilities, resulting in cases of segregation and self-harm.

Other Societal Violence or Discrimination

There were reports of societal violence and discrimination against members of minority, racial, religious groups not covered above, holy sites, and houses of

worship, but the government generally effectively implemented the law criminalizing such behavior.

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Federal and some provincial laws, including related regulations and statutory instruments, provide for the right of workers in both the public and the private sectors to form and join independent unions, conduct legal strikes, and bargain collectively. Bargaining units have access to mediation at any time and the choice of binding arbitration or conciliation to resolve disputes with employers. Workers in essential services have recourse to mediation and binding arbitration if labor negotiations fail. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. There were no reports of antiunion discrimination or other forms of employer interference in union functions.

Federal labor law applies in federally regulated sectors, which include industries of extraprovincial or international character, interprovincial and international transportation and transportation infrastructure, marine shipping, port and ferry services, air transportation and airports, pipelines, telecommunications, banks, grain elevators, uranium mining and processing, works designated by the federal parliament affecting two or more provinces, protection of fisheries as a natural resource, many First Nation activities, and most state-owned corporations. These industries employed approximately 10 percent of workers.

The law requires the government and a bargaining unit in a federal or federally regulated industry to negotiate an essential services agreement. This agreement defines an essential service and identifies the number and type of employees and the specific positions within the bargaining unit necessary to provide the essential service. The essential workers designated in the agreement consequently do not have the right to strike. If the parties are unable to agree, either party may apply to

the independent Federal Public Sector Labour Relations and Employment Board for a resolution.

Provincial and territorial governments regulate and are responsible for enforcing their own labor laws in all occupations and workplaces that are not federally regulated. There are categories of workers excluded from statutory protection of freedom of association in several provinces. Some provinces restrict the right to organize. For example, agricultural workers in Ontario and Quebec do not have the right to organize or bargain collectively, or they experience restrictions on such rights under provincial law. Migrant workers in specific occupations, such as agriculture or caregiving, may also be exempt from minimum wage, overtime, and other labor standards protections in specific provinces.

The government generally respected freedom of association and the right of collective bargaining. The government effectively enforced applicable laws and regulations, including with remedies and penalties such as corrective workplace practices and criminal prosecution for noncompliance and willful violations. Penalties were generally sufficient to deter violations and were commensurate with those for other laws involving denials of civil rights. Administrative and judicial procedures were not subject to lengthy delays and appeals.

In June a major Quebec labor union, Confederation des Syndicats Nationaux, accused the management of an Amazon warehouse in Montreal with using intimidation and harassment to interfere with a unionization campaign. The union alleged Amazon sent text messages to employees advising them “they have the right to decide to sign a union card or online petition” and “that is their fundamental right to decline.” Under Quebec’s labor code, an employer has “freedom of speech” but is not allowed to interfere with a unionization campaign, nor is it allowed to issue threats or promises.

On September 6, United Food and Commercial Workers Canada (UFCW) and Uber Canada reached an agreement to give more than 100,000 drivers and delivery workers on the Uber platform access to union representation. The agreement allows UFCW Canada to provide representation at no cost, if requested, to drivers and delivery workers facing account deactivation or other account disputes. Additionally, Uber Canada and UFCW Canada agreed to jointly lobby provincial

governments to enact reforms to provide additional benefits and preserve workers choice on when, where, and if to work, and to advocate jointly for industry-wide standards such as a minimum earnings standard, a benefits fund, and access to workers' rights.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government enforced the law, although NGOs stated enforcement lacked resources. The law prescribes penalties that are sufficiently stringent to deter violations. The government also prohibits the importation of all goods produced, in whole or in part, by forced or compulsory labor, irrespective of its country of origin. The government investigated and prosecuted cases of forced labor, including domestic servitude, and penalties were commensurate with penalties for analogous crimes. The government collected only aggregated data on human trafficking prosecutions and convictions, including both sex trafficking and forced labor, but did not maintain statistics on forced labor cases. According to labor advocates, the government's efforts to identify victims and address forced labor through victim identification, protection measures, and enforcement of law remained inadequate.

The federal government held employers of foreign workers accountable by verifying employers' ability to pay wages and provide accommodation. Through periodic inspections and mandatory compliance reviews, the government worked to verify employers provided the wages, living conditions, and occupation specified in the employers' original job offer. The government may deny to noncompliant employers for two years the permits required to recruit foreign workers. The government may also impose fines of up to CAD 100,000 (\$77,000) per violation of the compliance program.

Some provincial governments impose licensing and registration requirements on recruiters or employers of foreign workers and prohibit charging recruitment fees to workers. Forced labor, including through fraud, coercion, or the withholding of identity and travel documents from workers, is a criminal offense with penalties that include imprisonment.

There were reports employers subjected employees with temporary or no legal

status to forced labor in the agricultural sector, food processing, cleaning services, hospitality, construction industries, and domestic service. From March 2020 to December 2021, there were also reports some employers barred migrant workers from leaving the work location, hired private security to prevent workers from leaving, and deducted inflated food and supply costs from their wages. NGOs reported bonded labor, particularly in the construction industry, and domestic servitude constituted the majority of identified cases of forced labor and that some victims were exploited while participating in the Temporary Foreign Worker Program.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. In federally regulated sectors, children younger than age 17 may work only when they are not required to attend school under provincial legislation, provided the work does not fall under excluded categories (such as working in a mine, on a vessel, or in the vicinity of explosives) and the work does not endanger health and safety. Children may not work in any federally regulated sector between 11 p.m. and 6 a.m.

The provinces and territories have primary responsibility for regulating child labor, and minimum age restrictions vary by province. Enforcement occurred through the application of a range of laws covering employment standards, occupational safety and health (OSH), education laws, and in regulations for vocational training, child welfare, and licensing establishments to sell alcohol. Most provinces restrict the number of hours of work to two or three hours on a school day and eight hours on a nonschool day, and they prohibit children ages 12 to 16 from working without parental consent, after 11 p.m., or in any hazardous employment.

Authorities effectively enforced child labor laws and policies. Federal and provincial labor ministries carried out child labor inspections proactively and in response to formal complaints. While penalties were commensurate with those for analogous crimes, there were reports that limited resources hampered inspection and enforcement efforts. Penalties were sufficient to deter violations and were

regularly applied against violators.

There were reports child labor occurred, particularly in the agricultural sector. There were also reports children, principally teenage girls, were subjected to sex trafficking – including child sex tourism – and other forms of commercial sexual exploitation (see section 6, Children).

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination with respect to employment or occupation on the basis of race, color, sex (including pregnancy), religion, national origin or citizenship, ethnicity, disability, sexual orientation or gender identity, age, language, HIV or AIDS status or infection from other communicable diseases, and refugee status. Refugee NGOs reported stateless persons may have difficulty in obtaining legal employment. The law does not restrict women's working hours, occupations, or tasks.

Quebec restricts the wearing of visible religious symbols – including hijabs, kippahs, turbans, and crosses – by certain public-sector employees in the province to enforce a policy of religious neutrality in the delivery of provincial public services. Some provinces, including Quebec, New Brunswick, and Newfoundland and Labrador, as well as the Northwest Territories, prohibit employment discrimination on the grounds of social origin or “social condition.” Some provinces list political opinion as a prohibited ground of discrimination, but the federal Human Rights Act does not extend this protection to federally regulated workers. The government enforced the law effectively, and penalties were sufficient to deter violations. Penalties were generally commensurate with laws related to civil rights and were regularly applied against violators.

Federal law requires equal pay for equal work for four designated groups in federally regulated industries enforced through the Canadian Human Rights Commission: women, persons with disabilities, Indigenous persons, and visibly recognizable minorities. Ontario and Quebec have pay equity laws that cover both the public and private sectors; other provinces require pay equity only in the public sector.

Authorities encouraged individuals to resolve employment-related discrimination

complaints through internal workplace dispute resolution processes as a first recourse. If the dispute resolution is unsatisfactory, individuals may then request federal and provincial human rights commissions investigate and mediate complaints. Some critics complained the process was complex and failed to issue rulings in a timely manner.

Foreign migrant workers generally have the same labor rights as citizens and permanent residents, although workers in specific sectors such as agriculture or caregiving were exempt from minimum wage, overtime, and other labor standards protections in specific provinces. NGOs alleged discrimination occurred against migrant workers and that some refugee claimants faced language and other nonlegal barriers that made it difficult to enter the workforce.

e. Acceptable Conditions of Work

Wage and Hour Laws: There is no national minimum wage. Employees receive the minimum wage of the province or territory where they are employed. The law applies a federal minimum wage of CAD 15 (\$11.87) per hour for workers across the country in federally regulated sectors. If the minimum wage of a province or territory is higher than the federal minimum wage, the law requires employers to pay federally regulated workers the higher minimum wage in that jurisdiction. The government uses the Market Basket Measure (MBM) as its first official poverty line. The income level varies based on family size and province. The minimum wage was less than the MBM for a family of four, notably in urban centers.

Standard work hours vary by province, but the limit is 40 or 48 hours per week, with at least 24 hours of rest. The law requires payment of a premium for work above the standard workweek. There is no specific prohibition on excessive compulsory overtime that is regulated by means of required rest periods in the labor code that differ by industry. Some categories of workers have specific employment rights that differ from the standard, including commercial fishermen, oil-field workers, loggers, home caregivers, professionals, managers, and some sales staff.

In April, the Ontario provincial legislature enacted legislation for a CAD 15 (\$11.87) minimum wage for “active hours” for gig workers. The legislation

requires operators to give workers notice of and rationale for their removal from a platform if they are removed for more than 24 hours.

Occupational Safety and Health: Federal law provides OSH standards for employees under federal jurisdiction. Provincial and territorial legislation provides for all other employees, including foreign and migrant workers. Standards were current and appropriate for the industries they covered. Responsibility for identifying unsafe situations resides with authorities, employers, and supervisors, not the worker. Inspectors proactively conducted workplace visits to raise awareness of hazards, advise parties of their rights, duties, and obligations, and to promote and assist with compliance. Inspectors visited reactively in response to fatalities, injuries, and complaints.

Federal, provincial, and territorial laws protect the right of workers with “reasonable cause” to refuse dangerous work and to remove themselves from hazardous work conditions, and authorities effectively enforced this right. The government also promoted safe working practices and provided training, education, and resources through the Canadian Center for Occupational Health and Safety, a federal agency composed of representatives of government, employers, and labor.

NGOs reported migrants, especially agricultural migrant workers, recent immigrants, young workers, and the unskilled were vulnerable to violations of the law on minimum wage, overtime pay, unpaid wages, and excessive hours of work. NGOs also alleged persons were discouraged from filing complaints due to restrictions on the types of labor complaints accepted for investigation and delays in processing cases. Federal and federally regulated workers could file complaints related to unpaid wages and health and safety, and they could file grievances for unjust dismissal and genetic testing. Restrictions varied between provinces in provincially regulated industries, and there are time limits on filing complaints.

On August 18, the Human Rights Tribunal of Ontario released a 64-page decision stating the Ontario Provincial Police (OPP) racially targeted 54 migrant farm workers during a search for a suspected rapist in 2013 who was described as a “young, black male, in his mid-20s with a Jamaican accent.” Over the course of several days, the OPP coerced 99 migrant farm workers to provide DNA samples

and did not offer them the opportunity to speak to a lawyer or other counsel. The plaintiff, Leon Logan, was awarded CAD 7,500 (\$5,550) by the tribunal for “injury to dignity, feelings, and self-respect.”

On August 16, Gavin Yapp, a Jamaican farmworker who participated in the temporary foreign worker program, was killed while operating farm equipment on a tobacco farm in southern Ontario. The investigation into Yapp’s death by the Ontario Ministry of Labour continued at the end of November. Days prior to Yapp’s death, the Migrant Workers Alliance for Change, a group advocating for temporary foreign workers in the agricultural and other unskilled sectors, wrote a letter to Jamaica’s Minister of Labour, Karl Samuda, expressing concern for the conditions experienced by Jamaican farmworkers working in the country, such as physical and verbal abuse, and systemic racism and exploitation.

In January, six persons were killed in an explosion at Eastway Tank, an Ottawa tank truck manufacturing company. An investigation by the fire marshal, Ottawa police, chief coroner, and the Ontario Ministry of Labour continued at the end of the year.

According to the Association of Workers Compensation Boards of Canada, during 2020, the most recent year for which data were available, there were 921 fatalities related to the workplace, including traumatic injuries and work-related exposure to chemicals or disease-causing substances.

Wage, Hour, and OSH Enforcement: The government effectively enforced wage rates, and penalties were generally sufficient to deter violations. The federal agency Employment and Social Development Canada is responsible for regulation and enforcement of wage and hour standards in federally regulated sectors across the country. Departments of labor, training, and employment in each province and territory regulate labor standards in all other employment sectors in their respective jurisdictions. Some trade unions claimed limited resources and number of inspectors hampered the government’s enforcement efforts, including delays in addressing complaints.

Minimum wage, hours of work, and OSH standards were also enforced by Employment and Social Development Canada. Standards were effectively

enforced, and penalties were commensurate with those for similar crimes. Federal and provincial labor departments monitored and effectively enforced labor standards by conducting inspections through scheduled and unscheduled visits, in direct response to reported complaints, and at random. Inspectors had authority to require remedies and initiate sanctions including fines, suspensions, or closures. Penalties were sufficient to deter violations and were regularly applied against violators. Fines for violations of labor codes or regulations increase based on the number of offenses. Corporations could receive a fine up to CAD 50,000 (\$36,000) for the first offense, CAD 100,000 (\$72,000) for the second offense, and CAD 250,000 (\$182,000) for the third and subsequent offenses. Individual employers may be fined up to CAD 10,000 (\$7,000) for the first offense, CAD 20,000 (\$14,000) for the second offense, and up to CAD 50,000 (\$36,000) for third and subsequent offenses. The Labour Program published information regarding employers who violated the labor codes.

Informal Sector: In 2020, the government's national statistical agency estimated GDP in the informal sector in 2018 at CAD 61.2 billion (\$49.2 billion), or 2.7 percent of total GDP. Residential construction, retail trade, finance, insurance, real estate, rental services, and accommodation and food services were the largest sectors of informal activity. Wages and tips accounted for the largest share of unreported income. Standards for wages, working hours, and OSH were generally not enforced in the informal sector. Employers or businesses often classified workers in the gig economy as self-employed independent contractors and not employees, which left the workers without protections afforded under labor statutes, including the right to unionize or bargain collectively; to OSH protections; minimum wage and sick leave provisions; access to employment insurance; and other labor law inspections. Part-time workers are covered by wage, hour, OSH, and other labor laws; these laws were generally enforced.